

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. The amendments to claim 11 are supported by the specification at page 14, lines 21-22. The amendment of the claims to substitute the term glucoside for glycoside is based on changes to the specification found in the preliminary amendment filed on January 4, 2004.

35 USC 371 Application and Priority Claims

The Examiner has requested applicants to amend the specification to "refer to the claim for priority to" the international application; however, as noted by the below paragraph from MPEP 1893.03(c), this is an improper request. A national stage application under 35 USC 371 does not claim priority to the international application and therefore amendment of the specification is not necessary.

Note: a national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. See also MPEP § 1893.03(b). Stated differently, since the international application is not an earlier application (it has the same filing date as the national stage), a benefit claim under 35 U.S.C. 120 in the national stage to the international application is inappropriate and may result in the submission being treated as an application filed under 35 U.S.C. 111(a). See MPEP § 1893.03(a). Accordingly, it is not necessary for the applicant to amend the first sentence(s) of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage. (MPEP 1893.03(c)). (Emphasis added).

Election of Species Requirement

Applicants affirm that the elected species is betaine.

Objections

The improper multiple dependent claims were corrected in the preliminary amendment filed on January 4, 2004. Accordingly, applicants request that this objection be withdrawn.

Rejections Under 35 USC 112, Indefiniteness

Applicants have amended the claims in accordance with the suggestion by the Examiner to overcome the rejection for indefiniteness.

Rejections Under 35 USC 102

Claims 1, 2, 11, 12 and 14-16 are rejected as being anticipated by JP 2001-039842 (JP '842)

Amended claims 1 and 2 no longer recite a polyglycerin fatty acid ester and therefore, this claims cannot be anticipated by JP '842.

Moreover, the microcrystalline cellulose of claims 11, 12 and 14-16 has an average particle diameter of equal to or smaller than 10 micrometers. JP '842 does not disclose microcrystalline cellulose having such a specific range of average particle diameter. Therefore, claims 11, 12 and 14-16 cannot be anticipated by JP '842.

Claims 1, 2, 7-9 and 11-16 are rejected by WO 95/34275 (WO '275).

In contrast to the present invention, the cellulose abrasive disclosed in WO '275 such as "Elcema" available from Degussa is not a microcrystalline cellulose, but a powdered cellulose. See WO '275, page 4, lines 12-15. WO '275 explicitly states that "[t]he term 'powered cellulose' as used herein denotes a material which is prepared as described above and in particular is to be distinguished from the more processed microcrystalline cellulose." WO '275, page 4, lines 19-22. Therefore, claims 1, 2, 7-9 and 11-16 cannot be anticipated by WO '275.

Accordingly, applicants respectfully request that the rejections for anticipation be withdrawn.

Conclusion

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By  _____

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